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OFFICE OF PETITIONS

In re Application of :
Michael T. McKibben, et al. :
Application No. 10/731,906 : **DECISION ON PETITION**
Filed: December 10, 2003 :
Attorney Docket No. LET01-GN005 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 20, 2010, to revive the above-identified application, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of February 17, 2010, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before May 17, 2010.

Petitioner states that a timely reply was mailed via certificate of mailing on August 17, 2010, which included the following papers: a Request for Continued Examination (RCE) and an amendment. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated August 17, 2010, which would have rendered the reply timely if received.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 17, 2010 is hereby **withdrawn** and the application **restored to pending status**.

In view of the granting of the petition under 37 CFR 1.8(b) the petition filed under 37 CFR 1.137(b) is being dismissed as moot and the petition fee submitted will be refunded to petitioner in due course.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2163 for processing of the RCE previously filed August 19, 2010 and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions